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DOCKET NO.: BMS-2027 (PH-7176)

PATENT



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Shuang Liu, et al.

Confirmation No.: 5136

Application No.: 09/899,629

Group Art Unit: 1617

Filing Date: July 5, 2001

Examiner: Shengjun Wang

For: Stable Radiopharmaceutical Compositions And Methods For Preparation Thereof

EXPRESS MAIL LABEL NO: EV325723317US

DATE OF DEPOSIT: December 9, 2004

EV325723317US

MS Appeal Brief - Patent
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**APPEAL BRIEF TRANSMITTAL
PURSUANT TO 37 CFR § 41.37**

Transmitted herewith is the APPEAL BRIEF in this application with respect to the Notice of Appeal received by The United States Patent and Trademark Office on **September 9, 2004**.

- ☐ Applicant(s) has previously claimed small entity status under 37 CFR § 1.27 .
- ☐ Applicant(s) by its/their undersigned attorney, claims small entity status under 37 CFR § 1.27 as:
- ☐ an Independent Inventor
 - ☐ a Small Business Concern
 - ☐ a Nonprofit Organization.
- ☒ Petition is hereby made under 37 CFR § 1.136(a) (fees: 37 CFR § 1.17(a)(1)-(4) to extend the time for response to the Notice of Appeal of September 9, 2004 to and through December 9, 2004 comprising an extension of the shortened statutory period of one (1) month(s).

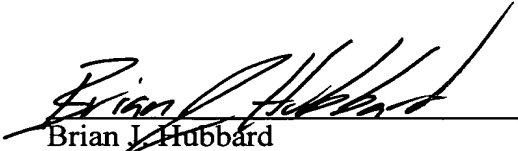
	SMALL ENTITY		NOT SMALL ENTITY	
	RATE	FEE	RATE	FEE
<input checked="" type="checkbox"/> APPEAL BRIEF FEE	\$250	\$	\$500	\$500.00
<input checked="" type="checkbox"/> ONE MONTH EXTENSION OF TIME	\$60	\$	\$120	\$120.00
<input type="checkbox"/> TWO MONTH EXTENSION OF TIME	\$225	\$	\$450	\$0
<input type="checkbox"/> THREE MONTH EXTENSION OF TIME	\$510	\$	\$1020	\$0
<input type="checkbox"/> FOUR MONTH EXTENSION OF TIME	\$795	\$	\$1590	\$0
<input type="checkbox"/> FIVE MONTH EXTENSION OF TIME	\$1080	\$	\$2160	\$0
<input type="checkbox"/> LESS ANY EXTENSION FEE ALREADY PAID	minus	(\$)	minus	(\$0)
TOTAL FEE DUE		\$0		\$620.00

☒ A check in the amount of **\$620.00** is attached. Please charge any deficiency or credit any overpayment to Deposit Account No. 23-3050.

☐ Please charge Deposit Account No. 23-3050 in the amount of \$.00. This sheet is attached in duplicate.

☒ The Commissioner is hereby requested to grant an extension of time for the appropriate length of time, should one be necessary, in connection with this filing or any future filing submitted to the U.S. Patent and Trademark Office in the above-identified application during the pendency of this application. The Commissioner is further authorized to charge any fees related to any such extension of time to deposit account 23-3050. This sheet is provided in duplicate.

Date:

December 9, 2004
Brian J. Hubbard

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